

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 24, 2004

IN RE:

**PETITION OF IRM UTILITY, INC. TO EXPAND
ITS SERVICE AREA TO INCLUDE A PORTION
OF BLOUNT COUNTY, TENNESSEE KNOWN
AS LASHBROOKE SUBDIVISION**

**DOCKET NO.
04-00268**

IN RE:

**PETITION OF TENNESSEE WASTEWATER
SYSTEMS, INC. TO AMEND ITS CERTIFICATE
OF CONVENIENCE AND NECESSITY TO
INCLUDE A PORTION OF BLOUNT COUNTY,
TENNESSEE KNOWN AS LASHBROOKE
SUBDIVISION**

**DOCKET NO.
04-00334**

**ORDER GRANTING PETITION TO INTERVENE AND
MOTION TO CONSOLIDATE**

This matter came before Chairman Pat Miller, Director Deborah Taylor Tate and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on October 11, 2004, for consideration of the *Petition to Intervene and Motion to Consolidate* ("Petition to Intervene") filed by Tennessee Wastewater Systems, Inc. ("Tennessee Wastewater") on October 5, 2004.

On August 25, 2004, IRM Utility, Inc. ("IRM") filed the *Petition of IRM Utility, Inc. to Amend Its Certificate of Public Convenience and Necessity* ("Petition"), seeking to expand its service area to include a portion of Blount County, Tennessee known as the LashBrooke Subdivision. At a regularly scheduled Authority Conference held on September 13, 2004, the

panel voted unanimously to appoint General Counsel or his designee to act as Hearing Officer in this matter for the purpose of hearing preliminary matters and setting a procedural schedule to completion. On October 5, 2004, Tennessee Wastewater filed its *Petition to Intervene*.

Tenn. Code Ann. § 4-5-310(a) sets forth the following criteria for granting petitions to intervene:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:

(1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;

(2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of the law; and

(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

In its *Petition to Intervene*, Tennessee Wastewater asserted that the grant of IRM's *Petition* would impact its legal interests because Tennessee Wastewater also has filed a petition seeking to provide wastewater services in the Lashbrooke Subdivision in Docket No. 04-00334.

At a regularly scheduled Authority Conference held on October 11, 2004, the panel found that the legal rights, duties, privileges, immunities or other legal interests of Tennessee Wastewater might be determined in this proceeding, that its *Petition to Intervene* was filed timely and that its intervention would not impair the orderly and prompt conduct of these proceedings. For these reasons, and applying the standards set forth in Tenn. Code Ann. § 4-5-310(a), the panel unanimously voted to grant Tennessee Wastewater's *Petition to Intervene*. In addition, Chairman Miller granted Tennessee Wastewater's request to consolidate TRA Docket Nos. 04-00268 and 04-00334. Because the earliest docket number was assigned to IRM's

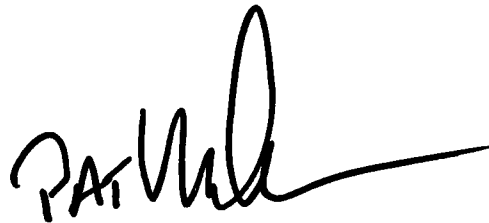
Petition, Docket No. 04-00334 was consolidated with Docket No. 04-00268 for the purposes of resolving both petitions.

IT IS THEREFORE ORDERED THAT:

1. The *Petition to Intervene* filed by Tennessee Wastewater on October 5, 2004 is granted. Tennessee Wastewater may participate in this proceeding as its interests require and receive copies of any notices, orders or other documents filed herein.

2. Docket Nos. 04-00268 and 04-00334 are consolidated. Docket No. 04-00334 shall be deemed closed after entry of this Order. The record in Docket No. 04-00334 shall be a part of the record in Docket No. 04-00268 and all future filings shall be entered under Docket No. 04-00268.

3. The Hearing Officer previously appointed to Docket No. 04-00268 is directed to prepare this consolidated docket for a hearing.

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Pat Miller, Chairman

A handwritten signature in black ink, appearing to read "Deborah Taylor Tate", with a long horizontal stroke extending to the right.

Deborah Taylor Tate, Director

A handwritten signature in black ink, appearing to read "Sara Kyle", with a long horizontal stroke extending to the right.

Sara Kyle, Director